

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

LASTERTEL NORTH AMERICA,

Plaintiff,

Case No. 3:12-CV-354

vs.

INNOVA, INC.,

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

Defendant.

ORDER AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (DOC. 55); (2) GRANTING PLAINTIFF'S MOTION FOR A CHARGING ORDER (DOC. 52); AND (3) ISSUING A CHARGING ORDER AGAINST DEFENDANT'S MEMBERSHIP INTEREST IN D-DIODE, LLC

The Court has reviewed the Report and Recommendation of United States Magistrate Judge Michael J. Newman (Doc. #55), to whom this case was referred pursuant to 28 U.S.C. § 636(b). No objections have been filed thereto and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired. Accordingly, the Court hereby **ADOPTS** said Report and Recommendation and **ORDERS** that Plaintiff Lastertel's motion (doc. #52) be **GRANTED**.

The Court further **ORDERS** that:

1. The membership interest of Innova in D-Diode is charged with payment of the unpaid balance of \$623,432.69, plus 12% annual interest from and after the date of judgment until satisfied;
2. Any and all payments, including, but not limited to, distributions of earnings which would otherwise be made to Innova by D-Diode shall be made instead to Lasertel in reduction of its judgment;
3. D-Diode and the members comprising D-Diode shall make no payments, including, but not limited to, distributions of earnings to Innova on account of its interest in D-Diode until such time as Lasertel's judgment has been satisfied of record;

4. Lasertel shall serve copies of the Charging Order by certified mail, return receipt requested, upon D-Diode and all persons and/or entities holding a membership interest or has been assigned a membership interest in D-Diode; and
5. D-Diode shall file a statement identifying the members of D-Diode and their share of the membership interests so held within 30 days of the entry of the Charging Order;

The Court reserves jurisdiction to issue any orders or decide any issues that may arise in the execution of the Charging Order.

IT IS SO ORDERED.

April 6, 2016
Date: _____

s/Thomas M. Rose

Thomas M. Rose
United States District Judge